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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,385	07/31/2001	Ronald F. Woestemeyer	PROS1100-1	3387

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EXAMINER

OYEBISI, OJO O

ART UNIT	PAPER NUMBER
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3696

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08/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

In the response filed on 06/03/2009, the following have occurred: claims 1, 4, 5, 8, 12, 22, 25 and 31 have been amended and claims 4, 11, 24 and 36 have been cancelled. Thus, claims 1-3, 5-10, 12-23, 25-35 and 37-40 are currently pending. The amendment has necessitated the restriction requirement set forth in this office action.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-3, 5-7, 22-23, 25-35, 37 and 39-40, drawn to a market analysis system comprising: a computer processor; a computer readable storage medium; a database stored on the computer readable storage medium comprising aggregate transaction data; and a software program stored on the computer readable storage medium executable by the processor to: receive a set of transaction data from an electronic exchange where market transactions are conducted electronically via the Internet, classified in class 705, subclass 37.
 - II. Claims 8-10, 12-21, and 38, drawn to an apparatus comprising: a system for analyzing transactions at an electronic exchange comprising: a communications server operable to: receive the set of transaction data from an electronic exchange; communicate the set of transaction data to the market analyzer; receive a request for a statistical analysis of the transaction data from a supplier that participates in the electronic exchange; and communicate a set of results from the at least one

statistical analysis to the supplier, classified in class 705, subclass 35.

2. The inventions are distinct, each from the other because of the following reasons:

- Inventions I and II are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention I relates a market analysis system comprising: a computer processor; a computer readable storage medium; a database stored on the computer readable storage medium comprising aggregate transaction data; and a software program stored on the computer readable storage medium executable by the processor to: receive a set of transaction data from an electronic exchange where market transactions are conducted electronically via the Internet, whereas Invention II relates to a system for analyzing transactions at an electronic exchange comprising: a communications server operable to: receive the set of transaction data from an electronic exchange; communicate the set of transaction data to the market analyzer; receive a request for a statistical analysis of the transaction data from a supplier that participates in the electronic exchange; and communicate a set of results from the at least one statistical analysis to the supplier. Hence inventions I and II have recognized divergent scope and utility, and the search required for Group I is not required for

Group II.

3. Since these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
4. Applicants are advised that reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571)272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private

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PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OJO O OYEBISI/

Examiner, Art Unit 3696